

MEMORANDUM OF UNDERSTANDING
Between the
WASHINGTON STATE DEPARTMENT OF AGRICULTURE
and the
WASHINGTON STATE DEPARTMENT OF ECOLOGY

Related to the

The State of Washington's Livestock Nutrient Management Program to protect water quality under the authority of Chapter 90.64 RCW, Dairy Nutrient Management Act and Chapter 90.48 RCW, Water Pollution Control Act

I. PREAMBLE

The Washington 58th legislature has enacted Engrossed Substitute Senate Bill 5889 which expands Chapter 90.64 RCW, the Dairy Nutrient Management Act, beyond dairies to cover nutrient management for other livestock. The bill transfers all powers, duties, and functions pertaining to Chapter 90.64 RCW from the Washington State Department of Ecology (ECOLGY) to the Washington State Department of Agriculture (WSDA) on July 1, 2003. Additionally, this legislation authorizes ECOLOGY to delegate to WSDA authority under Chapter 90.48.260 RCW to administer both the state waste discharge program and the federal National Pollution Discharge Elimination System (NPDES) regarding animal feeding operations (AFOs) and concentrated animal feeding operations (CAFOs). The legislation acknowledges that WSDA will have to receive delegated authority under the Clean Water Act (CWA) from the US Environmental Protection Agency (EPA) before it can fully administer the livestock and dairy NPDES program. The Governor signed ESSB 5889 on May 16, 2003.

Ecology will continue to be responsible to meet the CWA obligations regarding AFOs and CAFOs until EPA delegates that responsibility to WSDA. Therefore, activities related to the development, issuance and enforcement of NPDES CAFO permits will remain the responsibility of ECOLOGY, although WSDA staff will work with ECOLOGY staff to assist them and learn that part of the program. Implementation of these changes will require good communications, close coordination and cooperation between ECOLOGY and WSDA.

This MOU has no effect on NPDES program activity unrelated to AFOs and CAFOs.

II. PURPOSE AND SCOPE

The purpose of this interagency MOU is to delegate authority under Chapter 90.48 RCW, as amended by ESSB 5889, regarding dairies, AFOs and CAFOs from ECOLOGY to WSDA and to describe the roles and responsibilities, timelines and cooperative efforts of the two agencies in the transition and implementation of that authority. Delegation of Chapter 90.48 RCW authority from ECOLOGY to WSDA related to the administration of the state waste discharge permit and NPDES permit programs related to AFOs and CAFOs shall not become final until such time as WSDA receives CWA delegation for NPDES permits from EPA. This MOU describes the responsibilities for working with EPA to achieve CWA delegation to Agriculture for the AFO/CAFO NPDES program.

In addition, this MOU is intended to define the roles, responsibilities, timelines and cooperative efforts of the two agencies in transferring all administrative responsibility for Chapter 90.64 RCW from ECOLOGY to WSDA.

III. DEFINITIONS

“AFO” means an Animal Feeding Operation that is a lot or facility (not aquatic) meeting the following conditions: 1) animals are stabled or confined and fed or maintained for a total of 45 days or more within a 12-month period; and 2) vegetation, forage or post-harvest residue are not sustained in the normal growing season over any part of the lot or facility.

“CAFO” means a Concentrated Animal Feeding Operation as defined in the December, 2002 federal revisions to the CAFO rule.

“CAFO NPDES Permit” means a National Pollutant Discharge Elimination System Permit issued by the delegated federal Clean Water Act permitting authority for the regulation of wastewater discharges from confined animal feeding operations. CAFO NPDES permits may be general permits to apply to a broad class of operations, or individual permits specific to only one operation.

“Clean Water Act” means the federal water pollution control act of 1977, as amended.

“Delegated Authority under Chapter 90.48 RCW” means the state authority that ECOLOGY is authorized to share with WSDA under ESSB 5889 in order to carry out the required state actions under ESSB 5889 and Chapter 90.64 RCW.

“Delegated Authority under the Clean Water Act” means that federal authority delegated from EPA to a state entity to implement the federal clean water act with respect to AFOs and CAFOs.

“Dairy General NPDES Permit” means the National Pollutant Discharge Elimination System Permit issued by the delegated federal Clean Water Act permitting authority for the regulation of wastewater discharges from dairies. ECOLOGY issued a dairy general permit for the state of Washington in 1998.

“Water Pollution Control Act” means Chapter 90.48 RCW, as amended.

IV. BACKGROUND

Starting on July 1, 2003 the administration of Chapter 90.64 RCW, Dairy Nutrient Management was transferred from ECOLOGY to WSDA. Chapter 90.64 RCW was enacted to protect ground and surface water quality from inadequate nutrient management practices that would result in violations of Chapter 173-201A WAC, Water Quality Standards for Surface Water of the State of Washington, and Chapter 173-200 WAC, Water Quality Standards for Ground Waters of the State of Washington. Engrossed Substitute Senate Bill 5889 states the intent of the Legislature to establish a unified AFO/CAFO regulatory system, provides WSDA the authority to expand nutrient management requirements from dairies to other sectors of the livestock industry, provides ECOLOGY the authority to delegate state regulatory authority under Chapter 90.48 RCW regarding dairies, AFOs and CAFOs to WSDA, and establishes the Legislature’s intent for WSDA to obtain delegated authority under the federal Clean Water Act for AFO and CAFOs.

In addition to receiving authority under state laws regarding dairies, AFOs and CAFOs, WSDA must apply for and receive delegation from the U.S. Environmental Protection Agency. Until such time as WSDA receives federal delegation from EPA it will be necessary for ECOLOGY to retain authority for CAFO NPDES permits. The state waste discharge permits issued under Chapter 90.48 RCW for CAFO facilities are the same document as the federal NPDES permit. Therefore, ECOLOGY will continue to issue the state waste discharge permit as a short term means to simplify administration. WSDA will assume responsibility for all other aspects of Chapter 90.64 RCW and will carry out the inspection and enforcement authority under Chapter 90.48 RCW for all dairies, AFO and CAFO operations. ECOLOGY and WSDA will work cooperatively to ensure that this MOU is implemented in a manner that does not jeopardize any federal funding or delegation(s).

V. PRIMARY RESPONSIBILITIES -- WSDA

- A. Starting on July 1, 2003 WSDA will administer, implement and enforce all sections of Chapter 90.64 RCW except for Chapter 90.64.050 (1) (e) regarding administration of NPDES permits and the concurrent state waste discharge permit. WSDA will also administer, implement and enforce Chapter 90.48 RCW regarding violations by dairies, AFOs and CAFOs located outside of Indian Reservations. This includes, but is not limited to, overseeing the development of an expanded AFO/CAFO program under the amended federal CAFO rule; administrative requirements for dairies such as registration, tracking nutrient management plan approvals, plan certifications and data management; dairy, AFO and CAFO facility inspections and compliance actions under Chapter 90.64 RCW and RCW 90.48.260 regarding the discharge of pollutants to waters of the state.

- B. WSDA will carry out rule writing as necessary to implement and carry out the dairy and AFO/ CAFO program and to ensure that WSDA has adequate tools and authority in order to meet the AFO/CAFO CWA delegation requirements established by EPA.
- C. WSDA will take the lead responsibility in working with EPA on steps to apply for and obtain delegation of CWA authority for the NPDES AFO/CAFO program in Washington. The target date for submitting to the legislature a package of any statutory and regulatory changes necessary to establish a program acceptable to EPA is September 30, 2004. The target date for submitting a complete application package to EPA is June 30, 2005.
- D. WSDA will actively develop its expertise and capacity to deal with AFO/CAFO and state waste discharge permits in preparation for taking over all associated permit activity at the time delegation of CWA authority for NPDES permits involving AFO/CAFO from EPA to WSDA occurs.
- E. WSDA will receive and respond to all complaints regarding dairies, AFOs and CAFOs as required by RCW 90.64.030.
- F. WSDA will conduct all dairy, AFO and CAFO inspections and take appropriate compliance actions, including the levying and collection of monetary penalties as provided for in RCW 90.64.030 and in RCW 90.48.260, regarding the discharge or potential discharge of pollutants to waters of the state.
- G. WSDA will provide ECOLOGY written results of any inspection of a permitted facility or a facility that meets the requirements for a permit within ten (10) days of the inspection. WSDA may require corrective action from a facility for documented potential discharges and actual discharges from a CAFO and will notify ECOLOGY within 30 days of imposing any required action.
- H. WSDA will conduct an outreach and education program to the dairy and other livestock industries that may be subject to the AFO/CAFO rules regarding regulatory expectations and details of the agency jurisdictional transfer, including WSDA and ECOLOGY contact information.
- I. WSDA will develop and implement procedures to evaluate research and education grant proposals for use of the livestock nutrient management account funds that will assist livestock operations to achieve compliance with state and federal water quality laws and regulations.
- J. WSDA will maintain data regarding dairies, AFOs and CAFOs in the WPLCS data base in a timely manner including data in the permit, facility, inspection and enforcement modules.

VI. PRIMARY RESPONSIBILITIES -- ECOLOGY

- A. ECOLOGY delegates to WSDA the authority and duties under RCW 90.48.260(1)(h), (i), and (j) for implementing the AFO/CAFO program. The delegated authority does not include developing and issuing the state waste discharge permits but does include handling complaints, inspections and compliance actions whether the violation is from a discharge or noncompliance with permit conditions. ECOLOGY will retain full jurisdiction over the development, issuance, cancellation and revocation of both federal NPDES permits and state waste discharge permits to

CAFO facilities. At the time that EPA delegates CWA authority for the AFO/CAFO program to WSDA, ECOLOGY's delegation of all state waste discharge and NPDES permit authority under RCW 90.48.260 for AFOs and CAFOs to WSDA shall become complete.

- B. Since for the near future ECOLOGY will continue to be responsible to EPA for CWA compliance for AFOs and CAFOs, ECOLOGY retains the right under Chapter 90.48 RCW to take compliance actions in specific cases where human health or environmental damage has or may occur due to potential or actual discharges. In such serious cases, ECOLOGY and WSDA will consult and coordinate to ensure that the compliance action to be taken is, in the opinion of both agencies, sufficient to protect human health and the environment. ECOLOGY will proceed with an enforcement action only in egregious cases where ECOLOGY requests that WSDA defer to ECOLOGY and WSDA takes no further action.
- C. ECOLOGY will assist WSDA in developing its application and working with EPA to obtain NPDES CWA delegation to WSDA for the AFO/CAFO program in Washington.
- D. ECOLOGY will provide technical assistance for training of WSDA staff for implementation of the dairy and AFO/CAFO program under Chapters 90.48 and 90.64 RCW. This includes the ECOLOGY Enforcement Guidelines that are referenced in EPA's delegation of CWA authority to ECOLOGY and water quality sampling procedures. Field and classroom training will be provided during the fall of 2003.
- E. ECOLOGY will provide available monitoring data and trends analyses for livestock related pollutants to WSDA.
- F. ECOLOGY will be responsible for carrying out any legal proceedings begun prior to July 1, 2003, and for any actions initiated under subsection B. above where ECOLOGY has requested that WSDA defer to ECOLOGY and ECOLOGY has initiated an enforcement action. This includes those cases on administrative appeal before the Pollution Control Hearings Board or in any state court.
- G. ECOLOGY may, at the request of WSDA, continue to respond to complaints regarding dairies, AFOs and CAFOs or conduct inspections at such facilities until such time as WSDA has the necessary resources in place to conduct such work.
- H. In the event that either agency is served with documents requesting remission or mitigation of a penalty under RCW 43.21B.300(1) or a notice of appeal under RCW 43.21B.230, 43.21B.300(2) or 43.21B.310 when the penalty or order being appealed was issued by the other agency, the receiving agency shall immediately contact staff with either the LNMP at WSDA or the WQ program at ECOLOGY by telephone, advising them of the documents served. The responsible agency shall immediately dispatch staff to pick up the documents. This telephone notification and pick up service shall also apply to any other documents related to such legal proceedings.

VII. COOPERATIVE EFFORTS BY AGENCIES

- A. WSDA and ECOLOGY will meet quarterly, or if needed more frequently, to discuss program elements of common jurisdictional interest including AFO/CAFO program

- implementation, permit compliance, watershed planning, TMDLs and attainment of water quality standards.
- B. WSDA and ECOLOGY will meet on an annual basis with EPA to assess the status and progress of the program at WSDA. The first such meeting should occur by January 2004.
 - C. On an annual basis, WSDA and ECOLOGY will discuss mutual livestock work priorities to protect water quality and ensure the effective use of resources to best address identified water quality problems during the following fiscal year.
 - D. WSDA will organize and staff the livestock nutrient management program development and oversight committee (DOC) and ECOLOGY will actively participate and assist WSDA in the initial orientation, education and guidance of the committee.
 - E. WSDA and ECOLOGY will provide to each other access to all livestock facility and related records either agency may possess as necessary to fulfill state and federal requirements for livestock under the CWA, Chapter 90.64 RCW (Dairy Nutrient Management Act) and Chapter 90.48 RCW (Water Pollution Control Act).
 - F. WSDA and ECOLOGY will coordinate in responding to any public disclosure requests relating to AFOs, CAFOs and dairies. ECOLOGY will answer any public disclosure requests that include AFOs, CAFOs and dairies for which there are data and appropriate reports in WPLCS.
 - G. When mutually agreed to during the early transition period, WSDA may request ECOLOGY to assist in carrying out WSDA responsibilities for inspections, complaints and initial compliance actions.
 - H. ECOLOGY will coordinate with WSDA on livestock impacts to water quality during TMDL scoping and implementation, and in shellfish management areas, riparian protection activities, watershed planning and state grant and loan programs.
 - I. ECOLOGY and WSDA will coordinate on complaints or violations that involve both water quality and other mediums such as air quality, dam safety, solid waste or water resources.
 - J. WSDA will coordinate with ECOLOGY on the development of educational materials regarding the AFO/CAFO program and the CWA.
 - K. In the case of discovery by either agency of unauthorized livestock facility discharges to ground or surface waters of the state that constitute an immediate threat to human health or the environment, the discovering agency shall immediately inform the other of the situation and also the Washington State Department of Health if any release may endanger human health.
 - L. WSDA and ECOLOGY will share or develop protocols to ensure that potentially hazardous situations related to AFO/CAFOs are dealt with in a safe and expeditious manner.
 - M. WSDA and ECOLOGY will coordinate together and with Natural Resources Conservation Service on technical issues relating to agricultural practice standards and best management practices (BMPs) to protect water quality.
 - N. WSDA and ECOLOGY will coordinate with the Conservation Commission and Conservation Districts (CDs) on a revised or new interagency agreement regarding referrals to CDs for technical assistance and subsequent interactions in support of agricultural facilities reaching compliance.

- O. WSDA and ECOLOGY will evaluate the need for and if necessary develop a new or revised MOU to be effective following EPA delegation to WSDA in order to guide continuing cooperative efforts consistent with the livestock water quality program as it exists at that time.
- P. Attached as Appendix A is a matrix of program activities that indicates the responsibilities of each agency. The matrix is intended to provide guidance only and is secondary to this MOU and state and federal laws and other legal agreements.

VIII. STATE WASTE DISCHARGE AND NPDES PERMITS

- A. ECOLOGY will provide training to WSDA staff in the development and administration of CAFO State Waste Discharge and NPDES permits.
- B. ECOLOGY will request, and WSDA will provide, a gradual increase in the involvement of Agriculture staff in the development, administration and enforcement of all CAFO permits as WSDA develops the capacity to carry out the required functions. Until EPA delegation for NPDES CAFO permits is obtained, it is intended that WSDA will assist ECOLOGY in administering the NPDES permit program. However, ECOLOGY will retain final signature authority until CWA delegation is officially transferred by EPA to WSDA.
- C. ECOLOGY will make available to WSDA use of the Water Quality Permit Lifecycle System (WPLCS) for management of CAFO permits and related information such as permit, inspections, enforcement, and facility reports. ECOLOGY, with assistance from WSDA, will develop mutually agreed upon new WPLCS reports that are requested by WSDA in an agreed upon timeframe. Ecology will provide access and initial training on the use of WPLCS as needed and agreed to. ECOLOGY will also provide CAFO permit data to EPA's PCS system, provided that WSDA maintains the data in WPLCS. WSDA will retrieve reports and data from WPLCS that are program specific.
- D. Under the authorization of ESSB 5889 Section 7, ECOLOGY delegates authority under Chapter 90.48 RCW to WSDA for implementation and enforcement of Chapter 90.64 RCW. Delegation of Chapter 90.48 RCW authority from ECOLOGY to WSDA for the development and issuance of the state waste discharge and NPDES permits related to CAFOs shall not become final until such time as WSDA receives CWA delegation for NPDES permits from EPA.

IX. TRANSFER OF PROPERTY AND RECORDS

- A. ECOLOGY will send to WSDA by July 1, 2003, or a later date mutually agreed to, any tangible goods used specifically in the previous ECOLOGY dairy program and needed by WSDA. A list of tangible goods to be transferred is attached to this MOU as Appendix B.
- B. ECOLOGY will transfer the following documents to WSDA by July 1, 2003, or a later date mutually agreed to:
 - 1. All ECOLOGY headquarters and regional office documents related to the administration of Chapter 90.64 RCW. ECOLOGY will retain copies of recent documents for facilities with active legal actions or appeals.

2. Copies of all ECOLOGY headquarters and regional documents related to CAFO NPDES permits and pending applications. ECOLOGY will retain the originals of these documents until EPA delegates CWA authority for the NPDES AFO/CAFO program to WSDA.
 3. All fiscal files related to collection of penalties from dairies or CAFOs. ECOLOGY will notify the collection agency contracted by the state for the collection of unpaid penalties about the transfer of responsibility from ECOLOGY to WSDA for dairy and CAFO penalty collection services.
- C. ECOLOGY will provide its ACCESS dairy data base to track required dairy program data to WSDA. Appropriate training will be provided as needed during the fall of 2003.
 - D. ECOLOGY will coordinate the electronic connection of WSDA staff to the WPLCs data base and provide initial training as needed.

X. FEES AND FUNDING

- A. WSDA is authorized by the legislature to spend up to \$165,000 of the CAFO NPDES permit fees through June 2005. However, ECOLOGY will continue to carry out permit development, and issuance activities during the transition period. Therefore, periodically, ECOLOGY will submit to WSDA an invoice to authorize use of the CAFO permit fees based on the work done. ECOLOGY may not request more than \$150,480.
- B. ECOLOGY will continue to establish and revise CAFO NPDES permit fees by agency rule, as well as bill for and collect permit fees to deposit into the permit fee account. In carrying out these activities, ECOLOGY will consult with WSDA and the LNMP Development and Oversight Committee.
- C. Penalties collected from permitted CAFO facilities will be deposited in the livestock nutrient management account rather than the coastal protection fund.
- D. Each agency will discuss the need for and extent of compensation that may be provided the other for technical assistance.
- E. If, at the request of WSDA, ECOLOGY carries out work that is now the responsibility of WSDA, ECOLOGY will be reimbursed by WSDA at a mutually agreed upon level.

XI. DISPUTE RESOLUTION

In the event of a dispute regarding implementation of this MOU and program transition activities, the parties shall make all reasonable efforts to resolve the dispute at the lowest staff level. The parties may request the assistance of a mutually agreed upon facilitator at any time. If a facilitator is engaged, the timelines will be adjusted according to a mutually agreed upon schedule. Unresolved disputes will be settled in the following hierarchical process:

Step 1: Disputes that cannot be resolved between the immediate staff involved should be documented as to timing, issue, background, attempts for resolution and any other relevant facts. A request for resolution will be presented to their immediate supervisors.

Step 2: If the dispute cannot be resolved at the immediate supervisors' level within 20 days, this step should be documented and the entire packet sent on to the ECOLOGY Water Quality Program Manager and the WSDA Assistant Director for resolution.

Step 3: If the dispute cannot be resolved at the Program Manager and Assistant Director level within 20 days, this step should be documented and the entire packet sent on to each agency's Director.

Step 4: If the dispute cannot be resolved at the Director's level within 30 days it should be elevated to the Office of Financial Management or the Governor's Office, depending on the type of dispute:

A. For disputes regarding the transfer of tangible property or apportionment of budgeted funds that are not resolved in the above process, the dispute will be presented by both agencies to the Office of Financial Management for a determination in accordance with ESSB 5889.

B. All other disputes not resolved in the above process, shall be presented to the Governor's office for resolution.

XII. ALTERATIONS AND AMENDMENTS

This MOU may be amended by mutual agreement of the parties. Such amendments will be documented in writing and signed by the signatories to this MOU, or their designees.

If representatives of either agency encounter a situation where deviation from the above listed Primary Responsibilities is necessary and/or warranted, they should immediately notify the other party and begin a cooperative dialogue in order to reach an agreeable solution.

If appropriate, the parties shall modify this agreement as needed to ensure proper program implementation and to maintain NPDES AFO/CAFO delegation from EPA.

XIII. TERMINATION

This MOU is necessary to guide activities of the two agencies until CWA delegation is gained by WSDA for the livestock program. Consequently, until WSDA becomes the CWA delegated authority for AFO/CAFO and becomes fully responsible for the dairy and AFO/CAFO program, this MOU must remain in effect.

After WSDA receives delegated authority, this MOU can be terminated with 30 days written notice by either party to the other.

XIV. DISCLAIMER

This MOU is intended solely to assist the above-listed agencies in implementing Chapters 90.64 and 90.48 RCW. No duties, rights, or benefits, substantive or procedural, are created or implied by this MOU for third parties or others.

XV. AGENCY CONTACTS

WSDA Kathryn Kravit-Smith

ECOLOGY Dave Peeler

XVI. EFFECTIVE DATE

This MOU will be effective when signed by the two parties and will remain in effect until WSDA receives federal delegation to fully administer an NPDES permit program for CAFO activities. A revised or new MOU may be developed to guide coordination between the agencies following such delegation.

IN WITNESS WHEREOF, the parties have executed this Agreement.

State of Washington

Department of Agriculture

By: Valeria Loveland

Title: Director

Address: _____

City, State: _____

Phone: _____

Date: _____

State of Washington

Department of ECOLOGY

By: Jinda Hoffman

Title: Interim Director

Address: _____

City, State: _____

Phone: _____

Date: _____

APPENDIX A

Tasks and Activities Duration of MOU

	<u>Department of Ecology</u>	<u>Department of Agriculture</u>	Other
90.64 Administrative Requirements			
General LNMP information management and reporting		Lead	
Registration		Lead	
Plan approval		Lead for compliance	Conservation Districts (CDs) Lead for development
Plan certification		Lead for compliance	CDs and Operator Lead
Retail Sales Tax Exemption		Assist	DOR
Establish "New dairy" timing requirements for plan approval and implementation		Lead	
<u>Dairy and AFO/CAFO Site inspections</u>			
Initial Inspection		Lead	
Follow-up		Lead	
Complaint	Backup during transition	Lead	
Complaint tracking		Lead	
Investigation (when complaint is invalid)		Lead	
Technical Assistance		Refer to CDs, see MOA	CDs Lead, see MOA
NPDES Permit compliance: Discharge, potential discharge and permit requirements		Lead Inform ECOLOGY	
Follow-up inspection to verify permit application information	Request when needed	Lead Inform ECOLOGY	
Record keeping, data entry and reporting		Lead	
<u>Nutrient Management Plans</u>			
Assess site and develop appropriate			Operator and

plan elements for site			CDs/NRCS
Approve Plans		Lead to track, enforce against operator and report	CDs, NRCS may review prior to approval
Certify Plans		Lead to track, enforce against operator and report	CDs certify plan elements in place; Operator certify management is consistent with plan
Plan implementation, maintenance of records for review			Operator
Annual report to WSDA			Operator
Technical assistance to operators in carrying out implementation		Refer to CD	CDs, NRCS and WSU Extension
Technical review of BMPs used in plans.	Joint	Joint	NRCS, WSU and CDs
Periodic review of appropriate application of BMPs in Plans		Lead, inform ECOLOGY	NRCS, WSU and CDs
90.64 and Permit Enforcement			
Compliance		Lead	
Warning letters		Lead	
NOCs, 90.64 (administrative violations such as plan approval)		Lead	
NOVs (pollutant discharge violations)		Lead	
Administrative orders		Lead	
Permit companion orders	Coordinate Permit issuance with WSDA	Lead, coordinate with ECOLOGY	
Penalties		Lead	
Collection and Deposit in livestock nutrient management account		Lead	
Respond to application for relief and legal proceedings		Lead	
Appeals, PCHB and other legal proceedings – discharge violation	(Lead on active legal cases begun by Ecology before 7/1/03 and egregious cases where ECOLOGY has exercised its enforcement authority to protect	Lead (following passage of emergency rules)	

	human health or the environment (Section VI.B.)		
Appeals, PCHB and other legal proceedings – NPDES compliance	Assist (Lead on active legal cases begun by Ecology before 7/1/03 and egregious cases where ECOLOGY has exercised its enforcement authority to protect human health or the environment (Section VI.B.))	Lead (following passage of emergency rules)	
Record keeping, data entry and reporting		Lead	
Permits, federal and state			
General permit development and process for issuing revised 2005 NPDES CAFO and state waste discharge permit(s)	Lead	Assist	Livestock Oversight Committee, WQ Partnership and other stakeholders provide guidance
Individual NPDES CAFO permits developed, if and when needed	Lead	Assist	Livestock Oversight Committee, WQ Partnership and other stakeholders provide guidance
NOI (Notice of Intent to gain general permit coverage)			Facility
Individual permit application if required			Facility
Public notice and review of comments	Lead, coordinate with facility	Assist	Facility pays for notice
Coverage issued	Lead	Assist	
Permit fees assessed	Lead	Assist	
Permit fees collected (fiscal)	Lead		
Permit cancellation	Lead for action and any appeals.	Information and Recommendation	
Permit revocation	Lead for action and any appeals	Assist	
WPLCS dairy & CAFO data entry		Lead	
WPLCS Database management and PCS data uploads to EPA	Lead		

Other data entry, records maintenance and reporting		Lead	
<u>Permit Fees established</u>			
Biennial rule adoption to set fees (fall 2003 and 2005)	Lead	Assist	DOC recommendations
<u>Grant and Loan programs</u>			
Livestock Nutrient Management Account		Lead	DOC recommendations
Support shellfish protection areas, TMDLs or other watershed activity influenced by livestock	Lead	Recommendations on priorities regarding livestock	DOC recommendations, WSU extension, NRCS
Provide local or statewide technical support related to livestock		Recommendations on needs	Conservation Commission

Potential Areas for Coordination and Applicable Partners

Potential Areas	Partners							
	Ecology	WSDA	EPA	NRCS	Commission/CDs	WSU Extension	Industry	Others
Dam Safety	Water Resources Education	Confer, provide information		Coordinate	Coordinate			
Wetlands	Shorelands and Environ. Assistance Education and Tech. Assistance	Confer, provide information		Technical assistance	Coordinate			
Emergency Spills	Spills Response, inform WSDA, Health, WDFW	Compliance action, refer to CD or NRCS		Technical assistance	Technical assistance			Health
Shellfish Protection Areas	Information and coordination	Potential inspection program response			Technical Assistance			Health, Local Governments

Potential Areas	Partners								
	Ecology	WSDA	EPA	NRCS	Commission/CDs	WSU Extension	Industry	Others	
TMDL's: development and implementation	Lead	Potential inspection program response	Review and approval	Technical Assistance	Technical assistance		Implement-ation	Local Government ents	
Funding	X	X			X				
Performance Partnership, 319, 104(b)	X	X	X						
Facilities referred to receive technical assistance					X				
Review practices for appropriate application									
Grant program development and application review									
Share information on local water quality conditions or issues									
Education of operators, CDs and agency staff	Assist	Lead, coordinate with Ecology and CDs		Assist		X			
Research on management practices and effects	Assist and support	Coordinate and fund with grants	Support	Coordinate	Coordinate	Lead, coordinate	Recommend	DOC recommendations	

Potential Areas	Partners							
	Ecology	WSDA	EPA	NRCS	Commission/CDs	WSU Extension	Industry	Others
Technical standards and specifications to be used in new CAFO program	Recommend	Lead, coordinate with DOC			Coordinate	Recommend	Recommend	DOC recommendations
Technical standards revisions and adoptions	Assist	Assist		Lead	Recommend	Recommend	Recommend	DOC recommendations
Education of operators, CDs and agency staff	Assist	Lead		Assist	Assist	Assist and coordinate		DOC recommendations
Technical assistance to facilities and CDs		Assist	Coordinate	Lead				
Review practices for appropriate application		Assist	Lead					
Farm bill programs for funding or other assistance								
HPA permits				Assistance	Coordination, assistance		Applicant	WDFW lead
Salmon Recovery		Use in planning work			Assistance, funding			SRF Board
Use of state lands for manure applications, crops		Inspection of CAFO Plan area application		Technical assistance	Plan development or technical assistance to operations		Producer contract holder	WDFW and DNR
Non-point and Critical Areas Ordinances	Review	Review			Technical Assistance and education			Local Governments

Potential Areas	Partners							
	Ecology	WSDA	EPA	NRCS	Commission/CDs	WSU Extension	Industry	Others
Shellfish Recovery Districts and Plans		Use in planning work			Monitoring, education and technical assistance			Local Governments

APPENDIX B

DAIRY PROGRAM EQUIPMENT SUMMARY

The following is a list of those resources that have been identified as part of the dairy program implementation work, or are resources that were available to send to Agriculture to support development of the program there.

CARS

The following cars were purchased with dairy funds. The more recent model replaced the original dairy vehicle due to replacement schedules. These vehicles have been turned over to Agriculture.

Bellingham Field Office

1998 Ford Ranger PU 4x2, License #13415E odometer 54,580

Central Regional Office

1998 Jeep Cherokee 4x4, License #13419E odometer 91,000

Southwest Regional Office

1998 Jeep Cherokee 4x2, License #13420E odometer 54,500

Northwest Regional Office

1999 Taurus S/W License #13591E odometer 33,300

FURNITURE

The following furniture has been surplused from BFO and is being held by ECOLOGY facilities for Agriculture.

2 wooden desks, 2 metal desks, 1 small steel desk, 2 computer tables, 4 small computer tables, 1 round table (4'), 1 swivel chair, 1 wooden book case (4' tall), 1 5-drawer file cabinet.

COMPUTERS

The list of computers provided to WSDA is attached. Two have been turned over to WSDA, the rest are being prepared and will be turned over shortly.

COMPUTERS

FO #	Ecology Tag#	Description	S/N	Win2k Certification	Deployed To
F155800	E122728	DELL P3/500 GX1	DE9ZJ	28199-OEM-0044884-31770	zz Prepare for transfer to Ag
F155800	E122729	DELL P3/500 GX1	DE9Z3	28199-OEM-0044884-30182	zz Prepare for transfer to Ag
F155800	E122730	DELL P3/500 GX1	DE9YM	28199-OEM-0044884-28674	zz Prepare for transfer to Ag
F155800	E122740	DELL P3/500 GX1	DE9ZN	28199-OEM-0044884-31842	zz Prepare for transfer to Ag
F155800	E122742	DELL P3/500 GX1	DE9YR	28199-OEM-0044884-31786	zz Prepare for transfer to Ag
F155800	E122744	DELL P3/500 GX1	DE9YC	28199-OEM-0044884-16866	zz Prepare for transfer to Ag
F155525	E122560	DELL P3/500 GX1	BE53Y	26099-OEM-0044355-97119	zz Prepare for transfer to Ag
F155525	E122589	DELL P3/500 GX1	BE53D	26099-OEM-0044391-15745	zz Prepare for transfer to Ag
F155525	E122591	DELL P3/500 GX1	BE54C	26099-OEM-0044382-94629	zz Prepare for transfer to Ag
F155525	E122598	DELL P3/500 GX1	BE541	26099-OEM-1144364-01276	zz Prepare for transfer to Ag
F155525	E122600	DELL P3/500 GX1	BE54G	26099-OEM-0044355-98835	zz Prepare for transfer to Ag
F155525	E122611	DELL P3/500 GX1	BE53C	20999-OEM-0043257-16617	zz Prepare for transfer to Ag
F155525	E122620	DELL P780 Monitor	6271RCAMR7B9		zz Prepare for transfer to Ag
F155525	E122649	DELL P780 Monitor	6271RCAMT7B9		zz Prepare for transfer to Ag
F155525	E122651	DELL P780 Monitor	6271RCB64EB9		zz Prepare for transfer to Ag
F155525	E122658	DELL P780 Monitor	6271RCAHYGB9		zz Prepare for transfer to Ag
F155525	E122660	DELL P780 Monitor	6271RCB64AB9		zz Prepare for transfer to Ag
F155525	E122671	DELL P780 Monitor	6271RCB27DB9		zz Prepare for transfer to Ag
F155800	E122758	DELL P780 Monitor	6271RCDNURC9		zz Prepare for transfer to Ag
F155800	E122759	DELL P780 Monitor	6271RCDNUYC9		zz Prepare for transfer to Ag
F155800	E122760	DELL P780 Monitor	6271RCDNUZC9		zz Prepare for transfer to Ag
F155800	E122770	DELL P780 Monitor	6271RCE4VEC9		zz Prepare for transfer to Ag
F155800	E122772	DELL P780 Monitor	6271RCE7DMC9		zz Prepare for transfer to Ag
F155800	E122774	DELL P780 Monitor	6271REC4PLC9		zz Prepare for transfer to Ag